

NORLITE

DEC Sampling Initiatives, Operational Oversight, and Permitting

DEC Divisions of Materials Management, Air Resources,
Mineral Resources, Water, and Environmental Permits

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The State Department of Environmental Conservation (DEC) and its State and local partners are committed to protecting the public health and the environment of the City of Cohoes and surrounding area. With the State Department of Health (DOH), community leaders, state and local elected officials, and other stakeholders, we are working to comprehensively assess any potential and actual impacts of the past incineration of aqueous film-forming foam (referred to as AFFF or firefighting foam) containing per- and polyfluoroalkyl substances (PFAS) at the Norlite hazardous waste management facility (628 Saratoga Street, Cohoes) as we undertake a comprehensive review of permits associated with this facility. This focused effort is part of New York State’s ongoing rigorous oversight to ensure the facility’s operations are in complete compliance with all applicable Federal and State solid and hazardous waste, air, mining, and water requirements, and DEC policies. It includes compliance with the State’s Environmental Justice policies and directives that ensure the fair treatment and meaningful involvement of communities in the development and implementation of environmental programs.

This community update provides an overview of DEC’s actions and the steps we are taking over the coming weeks to address public concerns arising from Norlite’s operations.

DID YOU KNOW? Per- and polyfluoroalkyl substances are a group of thousands of chemicals used nationwide over the past several decades in coatings and products designed to resist water, grease, stains, oil, and heat, including common household items and some firefighting foams. Examples of PFAS chemicals include perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA), both regulated as a hazardous substance in New York, which means most releases of these chemicals to the environment are prohibited. DEC and DOH are leading the nation in responding to the prevalence of these chemicals in our environment and the need for accountable waste stream management. To learn more, visit www.dec.ny.gov/chemical/108831.html

ABOUT AFFF Firefighting Foam

New York enacted legislation prohibiting the use of firefighting foam containing PFOA and PFOS during firefighter training exercises and launched a comprehensive foam collection program to remove these products from use in the state. Most firefighting foams manufactured are now PFAS-free (also known as fluorine-free), however some types of older manufactured Class B firefighting foams remain in storage and may contain PFAS chemicals. These older foams require safe management and disposal.

INITIAL RESPONSE ACTIONS

DEC and DOH take seriously our responsibility to protect the environment and public health. We use the best scientific information in the nation to immediately respond to community concerns whenever and wherever they arise. In response to the prior incineration of AFFF containing PFAS at the Norlite facility, DEC and DOH worked with the Cohoes community to share information and took the following initial response actions:

Cease-and-Desist to Stop Further AFFF Incineration at the Facility

DEC directed Norlite to cease all incineration of firefighting foam at the facility, first after the facility temporarily shut down its operations in 2019 for planned facility upgrades, and again in writing in June 2020. DEC's June letter put Norlite formally on notice that it is not allowed to conduct any further thermal treatment or disposal of firefighting foam without prior approvals from DEC, and that DEC will also require a new, comprehensive review process, with opportunities for public review and comment, before considering any proposed future thermal treatment or disposal of materials containing PFAS chemicals or other emerging contaminants. This action ensures DEC has the most stringent oversight over new materials processed at this facility.

Verify No PFOA or PFOS Contamination in Local Drinking Water Supplies

When the community expressed concerns about the potential for exposure to PFAS chemicals from the prior storage, handling, and incineration of AFFF in 2018-2019 at Norlite, DEC and DOH immediately began a scientific evaluation of potential exposure pathways. Because the primary human exposure pathway for PFOA and PFOS is by ingesting contaminated water, DEC and DOH sampled the municipal water supplies in the City of Cohoes and the Town/Village of Green Island in spring 2020. These drinking water supplies were prioritized for this sampling because they are closest to the facility and could potentially be impacted if there were large emission releases of PFOA or PFOS from the Norlite facility.

DOH scientists analyzed the drinking water sample results and determined the PFOA and PFOS concentration levels in these municipal drinking water supplies had not changed from previous sampling in 2017, and found that the PFOA and PFOS concentration levels were typical of other urban background water supply levels, and well below New York State's maximum contaminant drinking water standards for PFOA and PFOS of 10 parts per trillion (among the lowest drinking water standards for these chemicals in the nation). DEC and DOH experts concluded that the Norlite facility's prior incineration of firefighting foam did not increase PFOA or PFOS contamination of these municipal drinking water supplies.



MOVING FORWARD: NEW ACTIONS

Building on these initial response actions, DEC and DOH are advancing additional on-the-ground investigations to further evaluate any potential impacts to the community and the environment from the prior processing of AFFF, as well as undertaking a thorough review of the facility's overall past and present operations through a comprehensive permit review process. These new actions are outlined below.

Soil and Surface Water Sampling Program

DEC and DOH are conducting a comprehensive sampling initiative in the vicinity of the Norlite facility to help determine if PFAS chemicals or certain metals are present. DEC is currently securing necessary access agreements from private property owners and will start sampling as soon as these agreements are completed.

DEC and DOH will be collecting soil samples from upwind and downwind locations and water samples from upstream and downstream locations. Soil and water samples will also be collected at another urban location far from Norlite's operations. These results will provide for a strong comparative analysis and determine urban background levels for the PFAS chemical and metals being evaluated in the Hudson River Valley. PFAS chemicals are pervasive in the environment following years of being commonly used in consumer goods and some metals are naturally occurring in soils, so DEC scientists anticipate that low levels will be found in the soil and water at the other comparison location.

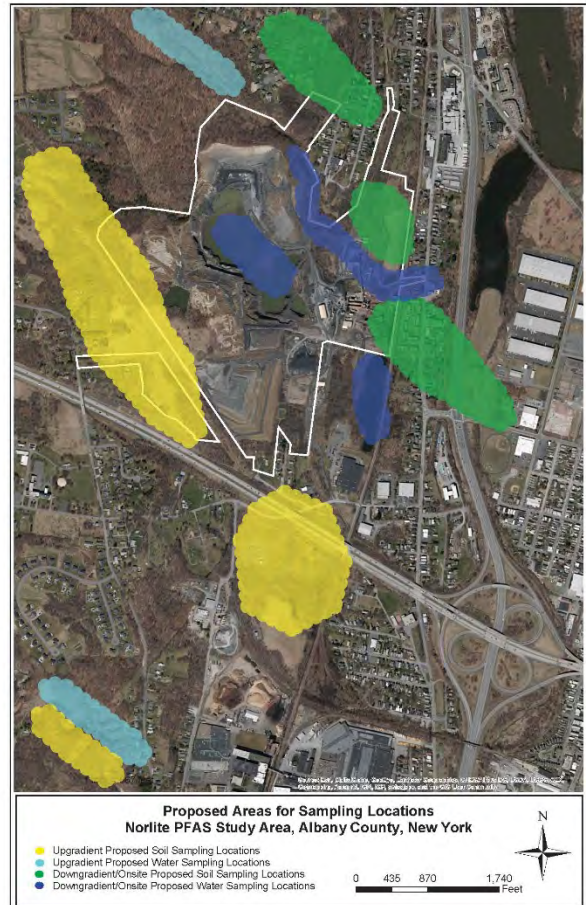
The water and soil sampling results will be analyzed to evaluate if Norlite's operations resulted in the contamination of the surrounding community and help guide next steps that may be needed.

Thank you! DEC and DOH appreciate the community's recent and ongoing cooperation in accepting the State's requests for property access and in scheduling site visits to implement this expanded sampling program.

Enhanced Permit Review Process

DEC conducts a transparent and thorough review process on all applications for environmental permits to ensure the protection of public health and the environment. To receive a permit, a facility must demonstrate that it will be compliant with all applicable Federal and State statutes and regulations, and that the permit application is technically sound, administratively complete, and responsive to public comments received during the permitting process to the fullest extent permitted by law.

For these reasons, DEC encourages active public participation during the permitting process, especially when the proposed permits involve industrial facilities located in low-income or minority communities that have borne a disproportionate share of environmental pollution (Environmental Justice areas). DEC has designated the vicinity around the Norlite facility as an Environmental Justice area, requiring robust public outreach for Norlite's permits.



Among the DEC permits that Norlite currently holds, two of the permits that govern the facility's operations—an Air Title V permit required under the federal Clean Air Act and a Part 373 Hazardous Waste Management Facility permit required under the federal Resource Conservation and Recovery Act—are scheduled to expire on December 31, 2020, unless renewed. On June 18, 2020, DEC notified Norlite that the renewal applications for the facility's Air Title V and Hazardous Waste Management Facility permits will be considered new applications requiring expanded Environmental Justice outreach to provide the community with the opportunity to comment on the overall operations—not just the renewal—and the facility's potential environmental impacts.

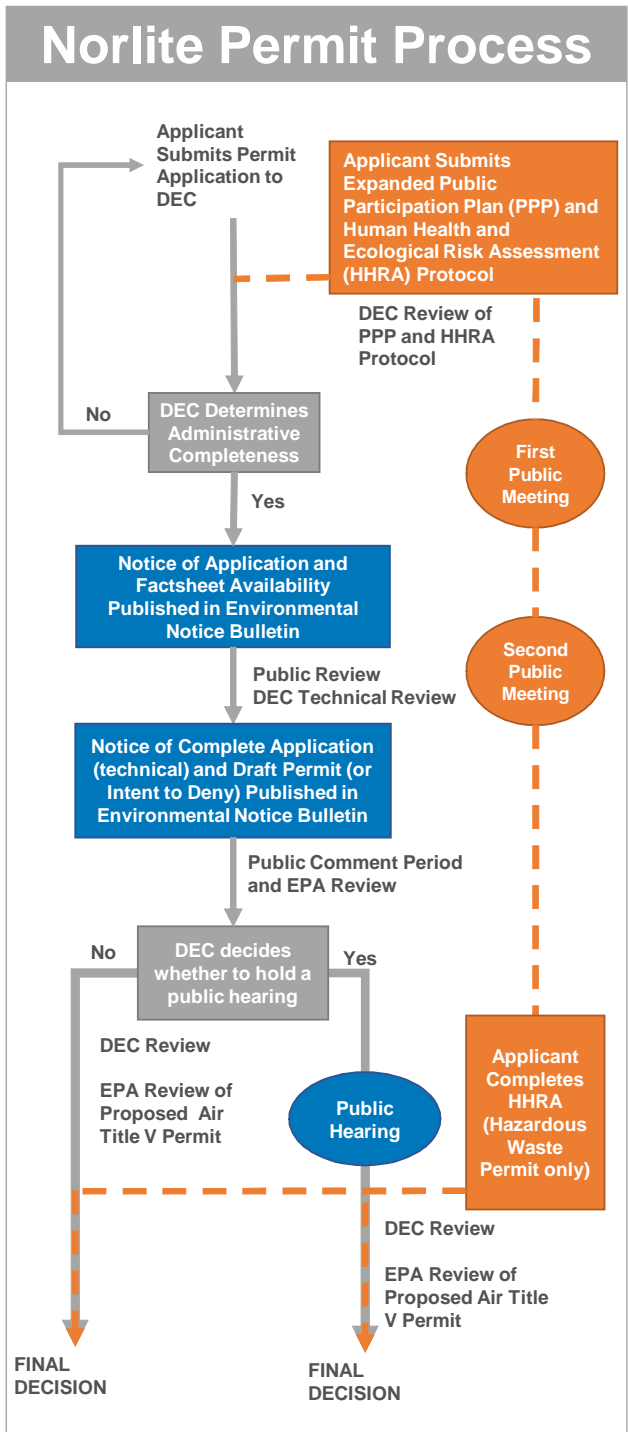
On July 1, 2020, Norlite submitted its applications to renew these permits. On August 28, 2020, DEC determined Norlite's Air Title V and Part 373 hazardous waste permit applications were incomplete and sent a Notice of Incomplete Application requesting additional information from Norlite. DEC has suspended the review of the applications until the requested additional information is properly submitted to DEC. At that point, if DEC determines the applications to be complete, DEC will resume its review and require opportunities for public notice and comment.

Increasing Public Participation

As part of the upcoming permit review process, community participation and engagement will be key, and community members can expect the following:

1. DEC has notified Norlite that the applications are incomplete and that review of the applications will be suspended until the additional information that DEC has identified as necessary is provided. For example, since DEC will be applying Environmental Justice requirements to both permits, Norlite must develop and submit a public participation plan for review and approval. The Environmental Justice public participation plan will promote the fair involvement of the community in the permitting process, provide public access to all permit information, require public meetings, and incorporate public concerns into the review process to the fullest extent permitted by law. In addition, DEC has notified Norlite that a comprehensive human health and ecological risk assessment report must be prepared and submitted to DEC before any final determination on Norlite's hazardous waste management permit is made. The public will have the opportunity to comment on the proposed protocol for the

View DEC permits held by Norlite
on the DECinfo Locator Map at
<https://www.dec.ny.gov/pubs/109457.html>



assessment during the public participation process. Stay tuned for DEC's next Community Newsletter for additional information on the assessment.

2. If and when DEC determines the applications are administratively complete, the public review process can formally begin. A Notice of Complete Application for the Air Title V permit and a Notice of Availability of Application for the Hazardous Waste Management permit will be published in DEC's *Environmental Notice Bulletin* and the local newspaper, and the Hazardous Waste Management Facility permit application will also be noticed as a radio announcement. Local governments, partner agencies, and other stakeholders will receive a copy of the notice.
3. DEC will require Norlite to host at least two public meetings this fall as part of the expanded public participation plan, following all relevant COVID-19 guidance on gatherings and social distancing protocols. Neighbors and members of the public will have the opportunity to attend the public meetings and submit comments or questions to the facility about past and current operations and the permit applications. Norlite is required to publish notice of the meetings at least 30 days in advance in local newspapers, signage at the facility, broadcast media, and by written notice to DEC and local governments. At these meetings, Norlite will be required to answer public comments and questions and to maintain an information repository available to the public before DEC will approve the completion of the Environmental Justice process.
4. DEC's technical review of the applications will run concurrently with the public comment and participation periods, which are critical to DEC's review. Feedback from the Environmental Justice process, public comment period, and reviews is used to require modifications or appropriate conditions in any final permits. In addition, the U.S. Environmental Protection Agency (EPA) has 45 days to accept, reject, or provide recommended changes to the Air Title V permit application. Final permits must include operational, recordkeeping, personnel training, and other safety requirements before permits can be issued. Upon completion of administrative and technical reviews and all public comment and hearing processes, DEC will either approve or deny a permit application in accordance with applicable law.
5. DEC anticipates that the public notice and comment periods that will be required for the pending permit renewal applications will need to extend beyond 2020. The company is allowed to continue operating under DEC oversight while the permitting process continues. Final decisions will be responsive to public comments raised during the public participation process.

Comprehensive Performance Testing

Norlite submitted a protocol to DEC to perform a comprehensive performance test to determine the effectiveness of the facility's recently upgraded Air Pollution Control Equipment (APCE). This test is designed to demonstrate if the facility is able to achieve required compliance with air emission standards under the federal Clean Air Act. The test:

- Will **NOT** include any processing of aqueous film-forming foam (AFFF), per- and polyfluoroalkyl substances (PFAS), or other materials that contain emerging contaminants; and
- Will **NOT** allow for any emissions beyond Norlite's current permit conditions or federal Clean Air Act limits, which are in place to protect public health.

Norlite submitted a proposed testing protocol to DEC in February 2020. On September 2, DEC approved the protocol after a thorough review and after requiring Norlite to add provisions to ensure its stringency. The federal Clean Air Act requires a facility to provide a 60-day public notice ahead of this testing and to make the plan available for public review. Consistent with DEC's ongoing commitment to keep residents informed of activities at the facility, the notice is also being sent to Norlite's public mailing list and a copy of the plan will be posted on the DEC website (<https://www.dec.ny.gov/permits/6061.html>). It is also available upon request to Norlite.

In addition, DEC is directing Norlite to expand upon its plans to engage this community to ensure local residents are both aware of and understand the purpose of the test. This outreach effort aligns with DEC's requirement that the facility conduct enhanced public outreach to this Environmental Justice community. In the event the public has any questions in response to the plan during the 60-day public review, the public is encouraged to notify DEC and Norlite. DEC will ensure that Norlite answers and addresses all questions and concerns before commencing the testing plan.

Norlite cannot begin its proposed comprehensive performance testing according to the approved plan before November 10, 2020, and DEC experts will oversee the testing to ensure compliance with the DEC approved stringent protocols and requirements. In addition, we will ensure that additional notice is provided to the community in advance of the testing in November. Test results will be submitted to DEC within 90 days from the date testing is completed to document compliance or non-compliance with applicable emission standards. The results of this performance testing will provide DEC with critical additional information to determine whether the facility can operate in a manner protective of public health and the environment and in accordance with all applicable State and Federal rules and regulations.

NEW WEBSITE

To help keep the public informed and connected to the ongoing permit process for Norlite's facility, the soil and water sampling initiative, and other State actions, DEC launched a new webpage. Visit <https://www.dec.ny.gov/chemical/121118.html>.

WHERE TO FIND INFORMATION

Norlite's Air Title V and Part 373 Hazardous Waste Management permit renewal applications are posted at the following website:

<http://www.norliteagg.com/373PermitRenewalDocs.asp>



WATCH FOR ADDITIONAL COMMUNITY UPDATES FROM DEC



Have site information such as this Community Update sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites. County email listservs are available at the following webpage: <http://www.dec.ny.gov/chemical/61092.html>. It's quick, it's free, and it will help keep you better informed.

As a listserv member, you will periodically receive site-related information/announcements for all 'contaminated sites in the county(ies) you select. and information repository <https://www.dec.ny.gov/pubs/109457.html>